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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,523	10/23/2000	Ji Su	16219-1	4896

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ROBIN W. EDWARDS
NASA LANGLEY RESEARCH CENTER
MAIL STOP 212
3 LANGLEY BOULEVARD
HAMPTON, VA 23681-2199

EXAMINER

MEDLEY, PETER M

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 05/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/696,523

Applicant(s)

SU ET AL.

Examiner

Peter M Medley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 14 is/are rejected.
- 7) ☒ Claim(s) 8-13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Um.

With respect to claim 1, Um discloses in **figs. 2, 3, and 4** a controlled membrane structure comprising a membrane **32**, a supporting base **16**, an electroactive bending actuator **12**, and connection means **36**.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Um in view of Kurz et al.

Um discloses in **figs. 2, 3, and 4** a controlled membrane structure comprising a membrane **32**, a supporting base **16**, an electroactive bending actuator **12**, and connection means **36**. The reference also discloses in lines 30-47 in column 4 the use of bimorphs.

Um does not disclose what the material is used.

Kurz et al discloses the use of a bimorph electrostrictive polymer actuator for the purpose of providing a more reliable actuator.

It would have been obvious to one of ordinary skill in the art to modify Um with the actuator for the purpose of providing a more reliable controlled membrane structure.

4. Claims 5-7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Um.

With respect to claim 5 and 6, Um discloses in **figs. 2, 3, and 4** a controlled membrane structure comprising a membrane **32**, a supporting base **16**, an electroactive bending actuator **12**, and connection means **36**.

Um does not discloses the attachment means.

The Examiner takes Official Notice that one of ordinary skill in the art would have known the use of chemical adhesives for the purpose attaching to opposed surfaces.

It would have been obvious to one of ordinary skill in the art, lacking specific directions from Um, to use a chemical adhesive for the purpose of attaching the surfaces of actuator **14** and base **16** to insure the proper functioning of the device.

With respect to claim 7, the reference discloses that the two sections **42** and **44** combine to act as one pixel.

The reference does not disclose the use of three actuators.

The Examiner takes Official Notice that it would have been well known in the art to use multiple pixels for the purpose of providing high resolution. The court has held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA

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1960). It would have been obvious to one of ordinary skill in the art to use multiple pixels from Um, i.e. at least three actuators, for the purpose of increasing the resolution.

With respect to claim 14, the reference does not disclose variable thickness.

The Examiner takes Official Notice that one of ordinary skill in the art would have known that thickness affects the output of a bending actuator. The court has stated that where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). It would have been obvious to one of ordinary skill in the art to alter the thickness of the actuator for the purpose of providing the best output and finer control of the membrane.

Allowable Subject Matter

5. Claims 8-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter M Medley whose telephone number is 703-305-0494. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3432 for regular communications and 703-305-3432 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

PM
May 6, 2002